

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

:
:
: MDL No. 1456
:

: Civil Action No. 01-12257-PBS

THIS DOCUMENT RELATES TO:

:
: Judge Patti D. Saris
:

The City of New York v. Abbott Labs., et al.

S.D.N.Y. Case No. 04-CV-06054

: Chief Mag. Judge Marianne B. Bowler
:

County of Albany v. Abbott Labs., et al.

N.D.N.Y. Case No. 05-CV-0425

County of Allegany v. Abbott Labs., et al.

W.D.N.Y. Case No. 05-CV-0236

County of Broome v. Abbott Labs., et al.

N.D.N.Y. Case No. 05-CV-00456

County of Cattaraugus v. Abbott Labs., et al.

W.D.N.Y. Case No. 05-CV-0256

County of Cayuga v. Abbott Labs., et al.

N.D.N.Y. Case No. 05-CV-0423

County of Chautauqua v. Abbott Labs., et al.

W.D.N.Y. Case No. 05-CV-0214

County of Chenango v. Abbott Labs., et al.

N.D.N.Y. Case No. 05-CV-0354

County of Fulton v. Abbott Labs., et al.

N.D.N.Y. Case No. 05-CV-0519

County of Genesee v. Abbott Labs., et al.

W.D.N.Y. Case No. 05-CV-00267

County of Greene v. Abbott Labs., et al.

N.D.N.Y. Case No. 05-CV-0474

County of Herkimer v. Abbott Labs., et al.

N.D.N.Y. Case No. 05-CV-00415

County of Jefferson v. Abbott Labs., et al.

N.D.N.Y. Case No. 05-CV-0715

County of Madison v. Abbott Labs., et al.

N.D.N.Y. Case No. 05-CV-0714

County of Monroe v. Abbott Labs., et al.

W.D.N.Y. Case No. 05-CV-6148

County of Nassau v. Abbott Labs., et al.

E.D.N.Y. Case No. 05-CV-10179

County of Niagara v. Abbott Labs., et al.

W.D.N.Y. Case No. 05-CV-6296

County of Oneida v. Abbott Labs., et al.

N.D.N.Y. Case No. 05-CV-0489

<i>County of Onondaga v. Abbott Labs., et al.</i>	:
N.D.N.Y. Case No. 05-CV-0088	:
<i>County of Putnam v. Abbott Labs., et al.</i>	:
S.D.N.Y. Case No. 05-CV-4748	:
<i>County of Rensselaer v. Abbott Labs., et al.</i>	:
N.D.N.Y. Case No. 05-CV-0422	:
<i>County of Rockland v. Abbott Labs., et al.</i>	:
S.D.N.Y. Case No. 03-CV-7055	:
<i>County of St. Lawrence v. Abbott Labs., et al.</i>	:
N.D.N.Y. Case No. 05-CV-0479	:
<i>County of Saratoga v. Abbott Labs., et al.</i>	:
N.D.N.Y. Case No. 05-CV-0478	:
<i>County of Steuben v. Abbott Labs., et al.</i>	:
W.D.N.Y. Case No. 05-CV-6223	:
<i>County of Suffolk v. Abbott Labs., et al.</i>	:
E.D.N.Y. Case No. 01-CV-12257	:
<i>County of Tompkins v. Abbott Labs., et al.</i>	:
N.D.N.Y. Case No. 05-CV-0397	:
<i>County of Warren v. Abbott Labs., et al.</i>	:
N.D.N.Y. Case No. 05-CV-0468	:
<i>County of Washington v. Abbott Labs., et al.</i>	:
N.D.N.Y. Case No. 05-CV-0408	:
<i>County of Wayne v. Abbott Labs., et al.</i>	:
W.D.N.Y. Case No. 05-CV-6138	:
<i>County of Westchester v. Abbott Labs., et al.</i>	:
S.D.N.Y. Case No. 03-CV-6178	:
<i>County of Yates v. Abbott Labs., et al.</i>	:
W.D.N.Y. Case No. 05-CV-06172	:

**JOINT MOTION TO FILE A REPLY IN FURTHER SUPPORT OF NASSAU
COUNTY’S AMENDED MOTION FOR LEAVE TO FILE A SECOND
AMENDED COMPLAINT AND TO FILE UNDER SEAL**

Pursuant to District of Massachusetts Local Rule 7.1(b)(3), plaintiff County of Nassau (“Nassau County”) together with plaintiffs the City of New York and all other New York Counties in this MDL (collectively referred to herein as “the NY Counties”), by and through their counsel, Milberg Weiss on behalf of Nassau County and Kirby McInerney & Squire LLP (“KMS”) on behalf of the NY Counties, hereby respectfully request leave to submit the Joint Reply to Defendants’ Response to County of Nassau’s Amended Motion for Leave to File a

Second Amended Complaint (“Joint Reply”), filed herewith. The Joint Reply will provide further information that will assist this Court in its adjudication of the matter pending before it.

Dated: February 1, 2006
New York, New York

LORNA B. GOODMAN,
Nassau County Attorney, by

MOULTON & GANS, P.C.

By: /s/ Nancy Freeman Gans
Nancy Freeman Gans, BBO # 184540

55 Cleveland Road
Wellesley, Massachusetts 02481
Telephone: 781-235-2246
Facsimile: 781-239-0353

**MILBERG WEISS BERSHAD
& SCHULMAN LLP**

Melvyn I. Weiss
Michael M. Buchman
Ryan G. Kriger
One Pennsylvania Plaza
New York, New York 10119-0165
Telephone: (212) 594-5300
Facsimile: (212) 868-1229

*Special Counsel for the
County of Nassau*

**City of New York and all captioned Counties
except Nassau, by**

KIRBY McINERNEY & SQUIRE, LLP
830 Third Avenue
New York, New York 10022
(212) 371-6600

By: /s/ Joanne M. Cicala
Joanne M. Cicala (JC 5032)
James P. Carroll Jr. (JPC 8348)

Aaron D. Hovan (AH 3290)

For the City of New York

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York

John R. Low-Beer (JL 3755)
Richard J. Costa (RC 7278)
Assistant Corporation Counsels
100 Church Street, Room 3-162
New York, New York 10007
(212) 788-1007

LOCAL RULE 7.1 CERTIFICATE

I, Ryan G. Kriger, hereby certify that I have consulted with Lyndon Tretter, Esq., of Hogan and Hartson, counsel for all Defendants, concerning the within Joint Motion To File A Reply In Further Support Of Nassau County's Amended Motion For Leave To File A Second Amended Complaint And To File Under Seal. I further certify that Mr. Tretter declined to consent to the filing of the Joint Motion.

/s/ Ryan G. Kriger

Ryan G. Kriger

CERTIFICATE OF SERVICE

I, Ryan G. Kriger, hereby certify that I served a copy of the foregoing document upon counsel for all parties this 1st day of February, 2006.

/s/ Ryan G. Kriger

Ryan G. Kriger